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March 7, 2024

VIA ECF-FILING

Honorable Hon. Margaret M. Garnett, U.S.D.J.

United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, New York 10007
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LETTER MOTION

**Re: Travelers Property Casualty Company of America
v. Hudson Excess Insurance Company and Hudson Excess
Insurance Company v. Main Street America Assurance Company
Civil Action No.: 1:23-cv-03249 (MMG)
Our File No.: 835-872**

Dear District Judge Garnett:

Melito & Adolfsen P.C. ("M&A") represents defendant/third-party plaintiff Hudson Excess Insurance Company ("Hudson Excess") in the above captioned matter.

Pursuant to Your Honor's Individual Rules and Practices, Section 1B1 and Section 1B5 entitled: "Requests for Adjournments or Extensions of Time", Hudson Excess, for the reasons set forth herein, submits this Letter Motion. Hudson Excess respectfully requests a ninety-day extension of the discovery period in this case presently scheduled to conclude on March 8, 2024, and an adjournment of the Status Conference scheduled for March 12, 2024, at 11:00 a.m.

As a threshold issue, by notification on February 23, 2024, this case was reassigned to Your Honor's inventory in place and stead of the Hon. Mary Kay Vyskocil.

On September 7, 2024, Hudson Excess timely filed a motion with the District Court for, among other relief, leave to file a third-party complaint against prospective third-party defendant Main Street America Assurance Company ("MSA" or "Main Street America"), the general liability insurer for an entity known as 2BD Services, Inc. ("2BD"). Upon information and belief, 2BD employed Cristian Fares ("Fares"), the plaintiff in an underlying bodily injury suit ("Fares Action")

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upon which Travelers' complaint for additional insurance and Hudson Excess' amended counterclaim for the converse relief are predicated.

Travelers did not oppose Hudson Excess' motion to amend. Hudson Excess' unopposed motion was submitted to the District Court on approximately on September 28, 2023. On January 22, 2024, the District Court granted Hudson Excess' motion to serve and file the impleader. [Doc. Ent. 29].

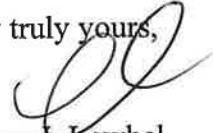
On February 1, 2024, Hudson Excess filed its impleader. [Doc. Ent. 31]. On February 15, 2024, Hudson Excess served process on Main Street America through the New York State Department of Financial Services. To date, MSA has neither answered the third-party complaint nor requested an extension of time to do so. Hudson Excess will shortly move to enter a default against MSA.

To the extent MSA does answer, which is highly likely, Hudson Excess requests a ninety day extension of the discovery end date to June 6, 2024. The requested extension will allow Hudson Excess and Travelers the opportunity to conduct additional probative discovery with MSA.

Hudson Excess requested one earlier adjournment of the discovery end date which the District Court granted. Travelers consents to Hudson Excess's proposed extension. Hudson Excess' extension will alter the current Case Management Order. A proposed second revised scheduling order is attached for the Court's consideration.

Lastly, an in person status conference is scheduled for March 12, 2024 at 11:00 a.m. To the extent the conference is on this Court's calendar, the parties respectfully request the conference be rescheduled to a later date.

Hudson Excess thanks the Court and awaits further guidance.

Very truly yours,

Steven I. Lewbel

sil/tl

cc: Ignatius John Melito, Esq.

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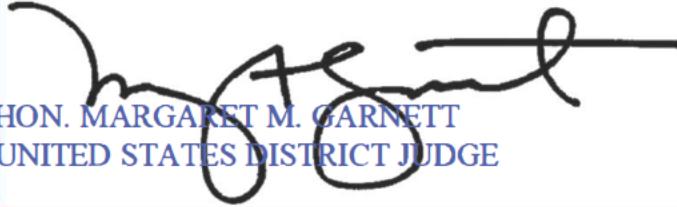
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Application GRANTED in part. The March 12, 2024 status conference is hereby adjourned *sine die*.

Third-party Defendant Main Street America Assurance ("MSAA") appears to be in default. Parties shall file any motion for default judgment, in accordance with the Court's Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-margaret-m-garnett>), **within two weeks of the date of this Order**. If or when a motion for default judgment is filed, the Court will enter a further Order setting a deadline for any opposition and reply and scheduling a show cause hearing. If MSAA appears and answers, and no motion for default judgment is filed by the deadline set forth above, the parties should instead then propose a new joint Civil Case Management Plan and Scheduling Order. The Court will address any requests to extend the discovery deadlines at that time.

SO ORDERED. Dated March 7, 2024.



HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE